

AMENDED IN ASSEMBLY JANUARY 4, 2012  
AMENDED IN ASSEMBLY SEPTEMBER 7, 2011  
AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 838**

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**Introduced by Assembly Member Hill**

February 17, 2011

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An act to ~~add~~ *amend* Section ~~316~~ *308* ~~to~~ of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 838, as amended, Hill. Public Utilities Commission: public safety. *The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities, as defined. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission, that is cognate and germane to the regulation of public utilities. Existing law requires the commission to appoint an executive director to hold office at the pleasure of the commission. Existing law requires the executive director to be responsible for the commission's executive and administrative duties, as specified.*

*This bill would require the commission to appoint an assistant executive director for public safety to hold office at the pleasure of the commission. The bill would require the assistant executive director for public safety to coordinate all actions of all divisions of the commission to ensure public safety is a primary goal in all proceedings held by the*

*commission. The bill would require the assistant executive director for public safety to advise the commission and each commissioner, when requested, in regard to all matters that may affect public safety.*

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities. The Public Utilities Act requires the commission to investigate the cause of all accidents occurring upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property and requiring, in the judgment of the commission, investigation by it, and authorizes the commission to make any order or recommendation with respect to the investigation that it determines to be just and reasonable. The act additionally authorizes the commission to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements, or services to be furnished, imposed, observed, and followed by specified public utilities, including electrical and gas corporations. Existing law designates the consumer protection and safety division of the commission as being responsible for inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads and public mass transit guideways, and for enforcing state and federal laws, regulations, orders, and directives relating to transportation of persons or commodities, or both, of any nature or description, by rail.~~

~~This bill would require the commission to designate one of its members as being responsible for overseeing the public safety oversight and supervision responsibilities of the commission and to ensure that public safety is a primary goal in all proceedings before the commission. The bill would require the commission to designate one employee dedicated to public safety functions of the commission who will work directly with that commissioner and advise that commissioner, and the commission when requested, relative to all matters that may affect the public safety that are within the responsibility of the commission. The bill would require the designated commissioner to annually appear before the appropriate policy committees of the Senate and Assembly to report on the public safety oversight and supervision activities of the commission.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 308 of the Public Utilities Code is*  
2 *amended to read:*

3     308. (a) The commission shall appoint an executive director,  
4 who shall hold office during its pleasure. The executive director  
5 shall be responsible for the commission's executive and  
6 administrative duties and shall organize, coordinate, supervise,  
7 and direct the operations and affairs of the commission and  
8 expedite all matters within the commission's jurisdiction.

9     (b) (1) The executive director shall keep a full and true record  
10 of all proceedings of the commission, issue all necessary process,  
11 writs, warrants, and notices, and perform such other duties as the  
12 president, or vote of the commission, prescribes. The president  
13 may authorize the executive director to dismiss complaints or  
14 applications when all parties are in agreement thereto, in  
15 accordance with rules that the commission may prescribe.

16     (2) *The commission shall appoint an assistant executive director*  
17 *for public safety, who shall hold office at the pleasure of the*  
18 *commission. The assistant executive director for public safety shall*  
19 *coordinate all actions of all divisions of the commission to ensure*  
20 *public safety is a primary goal in all proceedings held by the*  
21 *commission. The assistant executive director for public safety shall*  
22 *advise the commission and each commissioner, when requested,*  
23 *in regard to all matters that may affect public safety.*

24     (c) The commission may appoint assistant executive directors  
25 who may serve warrants and other process in any county or city  
26 and county of this state.

27     ~~SECTION 1. Section 316 is added to the Public Utilities Code,~~  
28 ~~to read:~~

29     ~~316. (a) The commission shall designate one of its members~~  
30 ~~as being responsible for overseeing the public safety oversight and~~  
31 ~~supervision responsibilities of the commission. The commissioner~~  
32 ~~so designated shall be responsible for coordination of all actions~~  
33 ~~of the commission to ensure that public safety is a primary goal~~  
34 ~~in all proceedings before the commission.~~

35     ~~(b) The commission shall designate one employee dedicated to~~  
36 ~~public safety functions of the commission who will work directly~~  
37 ~~with the commissioner designated by the commission, pursuant~~  
38 ~~to subdivision (a), as having responsibility for overseeing the public~~

1 ~~safety inspection and enforcement responsibilities of the~~  
2 ~~commission. The employee will work directly with the~~  
3 ~~commissioner so designated and advise the commissioner, and the~~  
4 ~~commission when requested, relative to all matters that may affect~~  
5 ~~the public safety that are within the responsibility of the~~  
6 ~~commission.~~  
7 (e) ~~The commissioner designated by the commission, pursuant~~  
8 ~~to subdivision (a), as having responsibility for overseeing the public~~  
9 ~~safety inspection and enforcement responsibilities of the~~  
10 ~~commission, shall annually appear before the appropriate policy~~  
11 ~~committees of the Senate and Assembly to report on the public~~  
12 ~~safety oversight and supervision activities of the commission.~~